

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

HANLEY CHEW (CSBN 189985)  
Assistant United States Attorney

150 Almaden Boulevard, Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5061  
Facsimile: (408) 535-5066  
E-mail: [hanley.chew@usdoj.gov](mailto:hanley.chew@usdoj.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR-04-20198-JF
	)	
Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del>
	)	ORDER CONTINUING DATE FOR
v.	)	STATUS CONFERENCE AND
	)	EXCLUDING TIME FROM DECEMBER
TRIEU LAM	)	2, 2009 TO JANUARY 20, 2010 FROM
	)	CALCULATIONS UNDER THE SPEEDY
Defendant.	)	TRIAL ACT
	)	

Defendant Trieu Lam (“Lam” or “defendant”) and plaintiff United States of America, hereby stipulate as follows:

- The above-captioned case is a trade secret case in which there are thousands of pages of discovery. There are outstanding discovery issues. Defendant Lam and the government have entered into a stipulated protective order to facilitate the discovery of confidential information. Based upon an analysis of that information and ongoing discussions between the parties, the government has proposed a potential disposition that would require additional investigation. The defense needs additional time to complete its investigation concerning the government’s proposed disposition and respond to that proposal.
- The defendant understands and agrees to the exclusion of time from calculations under

STIP & ~~[PROPOSED]~~ ORDER CONT.  
STATUS CONFERENCE AND EXCLUDING TIME  
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1 the Speedy Trial Act, 18 U.S.C. § 3161, for the period from December 2, 2009 to January 20,  
2 2010, based upon the need for the defense counsel to analyze the confidential information and  
3 investigate further the facts of the present case. Defense counsel needs additional time to  
4 investigate the facts of this case and evaluate further possible defenses and motions available to  
5 the defendant. In addition, defense counsel has proposed a potential disposition and the  
6 government needs additional to investigate and consider the proposal. Moreover, defense and  
7 governmental counsel will both be unavailable for parts of December and January because of the  
8 holidays.

9 3. A status conference will not being meaningful until after defendant Lam has had an  
10 opportunity to complete his investigation. The parties agree that the status conference currently  
11 scheduled for December 2, 2009 and should be continued to January 20, 2010 at 9 a.m.

12 4. The attorney for defendant Lam joins in the request to exclude time under the Speedy  
13 Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is  
14 necessary for continuity of counsel, effective preparation of the defense; believes the exclusion is  
15 in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial  
16 Act, 18 U.S.C. § 3161, should be for the period from December 2, 2009 to January 20, 2010.

17 Given these circumstances, the parties believe, and request that the Court find, that the  
18 ends of justice are served by excluding the period from December 2, 2009 to January 20, 2010,  
19 from calculations under the Speedy Trial Act and that the requested exclusion outweighs the best  
20 interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. §  
21 3161(h)(8)(A) & (B)(iv).

22  
23 IT IS SO STIPULATED.

24 DATED: 11/19/09

JOSEPH P. RUSSONIELLO  
United States Attorney

26 /s/ Hanley Chew  
27 HANLEY CHEW  
Assistant United States Attorney

28  
STIP & [PROPOSED] ORDER CONT.  
STATUS CONFERENCE AND EXCLUDING TIME  
CR-04-20198-JF

1 DATED: 11/19/09

/s/ Steven R. Manchester  
STEVEN R. MANCHESTER  
Attorney for defendant Trieu Lam

4 **[PROPOSED] ORDER**

5 Having considered the stipulation of the parties, the Court finds that: (1) the defendant  
6 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18  
7 U.S.C. § 3161, for the period from December 2, 2009 to January 20, 2010, based upon the need  
8 for the defense counsel to investigate further the facts of the present case, review the discovery  
9 that the government has already provided and evaluate further possible defenses and motions  
10 available to the defendant; (2) the exclusion of time is necessary for effective preparation of the  
11 defense and is in the defendant's best interests; and (3) the ends of justice are served by  
12 excluding from calculations under the Speedy Trial Act the period December 2, 2009 to January  
13 20, 2010.

14 Accordingly, the Court further orders that (1) the status conference set for December 2,  
15 2009 is vacated and that the next appearance date before this Court is scheduled for January 20,  
16 2010 at 9:00 a.m.; and (2) the period from December 2, 2009 to January 20, 2010 is excluded  
17 from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

18 IT IS SO ORDERED.

19 DATED: 11/30/09

20  
21   
22 THE HONORABLE JEREMY FOGEL  
23 UNITED STATES MAGISTRATE JUDGE  
24 DISTRICT  
25  
26  
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STIP & [PROPOSED] ORDER CONT.  
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